

UNITED STATES OF AMERICA, )  
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 v. ) No. 1:15-cr-39-CLC-SKL-1  
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 ROBERT R. DOGGART )

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governed by the Guide to Judiciary Policy, Volume 7A, Chapter 3 at §310.10.10, which provides:

(a) Investigative, expert or other services necessary to adequate representation, as authorized by subsection (e) of the Criminal Justice Act (CJA) (18 U.S.C. § 3006A), are available to persons who are eligible under the CJA, including persons who have retained counsel but who are found by the court to be financially unable to obtain the necessary services. (b) In this connection, a person with retained counsel is financially unable to obtain the necessary services if the person's resources are in excess of the amount needed to provide the person and the person's dependents with the necessities of life, provide defendant's release on bond, and pay a reasonable fee to the person's retained counsel, but are insufficient to pay for the necessary services.

Defendant seeks what appears to be a reasonable amount to secure the services of a reputable investigator at a presumptively reasonable hourly rate. Defendant has identified specific tasks for the investigator, and has explained the reasons for his inability to privately pay for said investigator at this time. The Court has conducted an ex parte review of the fee arrangement with counsel and it is neither excessive nor unreasonable. *See* Guide to Judiciary Policy, Volume 7A, Chapter 2, § 310.10.20(b). However, Defendant is currently experiencing cash flow issues that prevent him from hiring an investigator according to his ex parte financial submissions. Under these circumstances, the Court will authorize payment of up to \$2,250.00 for the requested investigative services. *See United States v. Bennett*, No. 3:07-CR-81, 2008 WL 356529, at \*2-3 (E.D. Tenn. Jan. 30, 2008).

Accordingly, Defendant's Motion for Authorization and Payment for Investigative Services [Doc. 139] is **GRANTED**, however, Defendant is **ORDERED** to reimburse the Clerk of Court for the amount paid to the said investigator upon the anticipated correction of his cash flow issues. *See id.* (holding "the judicial officer . . . should direct [defendant] to pay the available excess funds to the clerk of the court at the time of such appointment and from time to time

thereafter.”) (quoting Guide to Judiciary Policy, Volume 7A, Chapter 2 at § 2.10.40.40)).

SO ORDERED.

ENTER:

*s/ Susan K. Lee*

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SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE